

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

19 OCT 18 PM 2:15

CLERK-ALBUQUERQUE *ms*

JAMES GRASS, et al

Petitioners,

V.

MANNY GONZALES SHERIFF BCSO

BERNALILLIO COUNTY SHERIFFS OFFICE

**MATT POHL AND ALL OTHER CORPORATE OFFICERS OF "GREAT
LIVING" SUBSIDIARY OF BCSO**

Great Living LLC

Presbyterian Hospital

Et al.

Respondents

CIVIL ACTION

19cv983 SCY

COMPLAINT FOR DECLATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq*, seeking to compel the County of Bernalillo New Mexico and the Bernalillo County Sheriff's Office (BCSO) New Mexico to immediately release information from its communication center, Bernalillo County Sheriff's stations and/or any other facility that the County of Bernalillo or the BCSO acts as custodian of the records. Specifically to be released are the: 1. computer dispatch records (CAD) from 25 May, 2019 through 01 August, 2019; 2. An aggregated list of dispatchers that imputed any information about the Petitioner or his address; 3. An aggregated list of deputies that called into the dispatch center on cell phones or landline or the communication center calling deputies on cell phones for the above and for mentioned dates; 4. All text and emails from all deputies to or from the communication center for the above dates; 5. Recordings of the phone calls,

especially 505-459-6042 that originate from the aggregated list of deputies calling the communication center or the communication center calling deputies on cell phones for the aforementioned dates.

2. It has been discovered on more than one occasion that deputies have used private cell phones going through dispatch with dispatchers on private non recorded cell phones with work product to make sure deputies and/or other personal on call's statements are consistent and congruent with each other. Therefore, reports that are part of the record as to the facts of a case appear to be congruent with all personal involved in a criminal case. This covert practice enables prosecutors to keep Brady material and other exculpatory material facts not to be turned over to defense counsel in discovery demands or discovery that is mandated by statute and/or as a matter of law. This practice handicaps the defense from mounting a vigorous defense and/or provide alternative facts to the government's case not to mention the violations of a person's constitutional guaranteed rights.

3 "Someone", nobody knows who, entered into the CAD and NCIC computer a "suicide by cop" incident that purportedly happened at the Petitioner's residence. The Petitioner has made numerous demands regarding who originated this erroneous fact and nobody knows anything. The Petitioner has serious medical issues and it used to take the paramedic's no more than five minutes to respond to Petitioners residence. Now, since this "suicide by cop" is in the system, paramedics have to wait for the SWAT team which can take up to 30 minutes. Thirty minutes exceeds the national standard of care for paramedics in an urban environment to respond to a 911 call and exponentially exceeds the County of Bernalillo response time for 911 calls. This new BCSO policy hinders the care for the Petitioner that prevents him from being transported to the appropriate medical facility for life saving care in a timely manner.

JURISDICTION AND VENUE

1. This court has jurisdiction over the action as a federal question **5 USC 552(a) (4) (b)**.
2. This court has the authority to grant declaratory relief pursuant to the **Declaratory Judgment ACT, 28 U.S.C. §2201 et seq**
3. Venue is proper under **5 U.S.C. (a) (4) (B) and 28 U.S.C. § 1391 (e)**
4. The NCIC data base was constructed and maintained by the government of these

United States and acts as the custodian of records. Therefore this court can assert jurisdiction.

5. The government of the United States certifies individuals and entities allowing them to have access to the NCIC database. Therefore this court can assert jurisdiction in this matter.

6. The communication centers for the County of Bernalillo, BCSO, and the City of Albuquerque in Albuquerque, New Mexico accepted federal funds to build their communication centers and the infrastructure that supports their respective communication centers, and federal funds in the form of federal grants to staff the communication centers. Therefore this court can assert its jurisdiction in these matters.

7. BCSO's covert activities in hiding work product that could lead to Brady material and/or other materials facts that would of had to been turned over to an accused person in the discovery process more likely than not implies an individual's constitutional rights were violated while BCSO was acting under the color of authority. Those individual's rights to redress this aggravating revelation that material facts were hidden from them during trial would be this court's jurisdiction and a possible remedy would be **U.S.C. 42 1983** and habeas corpus writs. Therefore, this court has another reason to assert its jurisdiction.

8. Due to non-compliance of the Respondents' to the Petitioners' request, the Petitioner has knowledge of a program and technology known as "Stingray" that is mainly utilized by the Unites States Marshal Service. [USMS] "Stingray" impersonates a cell tower and all signals and electronic traffic that passes through "Stingray" is captured for immediate or later analysis. This technology is commercially available, and only the block that was recently developed and fielded could be construed as classified [IDF 2019 version].

After protracted discussion's with the USMS the Petitioner surmises they are asserting some sort of privilege but it was incomprehensible because the Respondent USMS only utilized the "Kings English" intermittently and the Petitioner does not know who those "clowns" are that the USMS was referring too when the USMS stated they will not divulge the new technology too. This court has undeniable jurisdiction over this particular subject matter and if USMS wants to raise privilege issues they need to do so in a comprehensible manner and preferably in the "Kings English." Stingray is a

controversial subject due to its capabilities and is being revisited by the 6th Circuit of Appeals currently. The point of contention is; if a warrant is required to utilize “Stingray” for surveillance gathering or in the presumed pursuit of a fugitive and/or their confederates from justice, none of which is applicable here. The Petitioner just wants a short period of the “metadata” the Stingray has captured.

9. The Petitioner is also aware of the Department of Homeland security (DOH) fusion centers and that its technology is in the public domain and is undeniable within this court’s jurisdiction. The Petitioner once again is just requesting a brief snapshot of time of metadata which would include emails, text’s and or facsimiles that may or may not have originated at BCSO north valley substation, in vehicles paid for by the public utilized by BCSO personal, at the communication center or within the county of Bernalillo. DOH response to the FOIA request is,” we do not confirm nor deny the capabilities of the fusion centers.” It is difficult to discern from the statement, “we do not confirm or deny” if DOH is asserting some sort of privilege. This Court has undeniable jurisdiction concerning the United States Department of Homeland Security.

10. The BCSO has a computer squad known as the “Ghost Squadron” that utilizes intelligence and information collected by federal authorities to enforce human trafficking within its jurisdiction and has a symbiotic relationship with federal agencies to aide in nationwide enforcement due to the complexities of human trafficking cartels. This system can also be utilized to track the electronic foot print of individuals and it has been used in the past by BCSO individuals to utilize this capability to track individuals and cannot articulate probable cause to engage in tracking or monitoring individuals utilizing this technology and infrastructure created by the federal government. This illicit; unlawful practice at BCSO crossed state lines due to the technology and infrastructure of the networking system. This creates another reason this Court can assert jurisdiction 18 U.S.C 1343. BCSO to its credit admitted this could have happened in the past and installed firewalls to prevent future misuse of the system. The Petitioner has sound beliefs this practice has not stopped and since the “Ghost Squadron” has a symbiotic relationship with the federal authorities this court has undeniable jurisdiction. Federal funding was also utilized to construct the interfaces in New Mexico law enforcement centers to utilize the national computer network another reason this Court can assert jurisdiction. By

default the equipment and information captured belong to the federal government but BCSO acts as custodian for local records with the federal cloud serving as a backup platform or repository.

11. Now declassified remnants of the programs Thin Thread, Prism, Carnivore and Excalibur are in the custodial care of the National Security Agency. Underlying remnants are used in “training exercises” utilizing those records, the custodian of care for these responsive records is the National Security Agency at Fort Huachuca. True, the buildings that store said information are in buildings on Fort Huachuca but the post commander and/or the military act in no conceivable fashion as custodian of records for responsive records requested by the Petitioner. Therefore responsive records are within the jurisdiction of this Court.

12. National Crime Information Center Criminal Justice Information Services located in West Virginia is a division of the Federal Bureau of Investigations and custodian of the records of approved NCIC operators and NCIC terminals and the flow of information throughout the system. This Court has undeniable jurisdiction in any matter involving this agency.

13. The radio waves and spectrum waves frequencies that BCSO utilizes for communication is issued via license by the Federal Communication Commission. [The **Communication Act of 1923, 47 U.S.C 151**] Therefore this Court has undeniable jurisdiction.

14. Every Thursday Petitioner has a visit with Natacha Grass and for protection from Deputy Sherfy and/or her confederates, Petitioner has asked court officer Angela Walker[court officer of the Second Judicial District of the state of New Mexico be present. The Second Judicial Court for the State of New Mexico granted said request. The only condition the petitioner incurs the fee of L 116.25 [pounds sterling] per visit. On 10 October 2019 Petitioner had a discussion with Ms. Walker about Natacha Grass calling Petitioner numerous times a day asking for help and requesting to leave. 11 October 2019 Petitioner received a call from an apparent house mate at the “Merrimack house” asking for help and somebody was not breathing. This would be dispatched as an Echo call which would include an Albuquerque Fire Rescue [AFR] Paramedic unit, AAS Paramedic unit if available but at least an AAS advanced EMT unit, an AFR engine

company, and a AAS critical care paramedic and two police officers would respond. If available the roving EMS physician from the University of New Mexico would also respond. The Petitioner called the main office for Respondent Great Living and explained what was transpiring and asked for the numeric address of the Merrimack house since Petitioner phone showed restricted on Petitioner caller ID. Gazella [sp (sic)] stated. Gazella first response “we gave it to you before. (Gazella [sp]) She than stated the Respondent BCSO namely deputy sheriff Sherfy has instructed Great Living staff not to give Petitioner the Merrimack physical address and Petitioner could write a letter “to whomever he sees fit.” Gazealla also made it very clear that Respondent Great Living homes, residents and employees are in the “protective custody” of BCSO according to deputy Sherfy of BCSO with the new caveat deputy Sherfy is a deputy United States Marshal. USMS has no record of deputy Sherfy BCSO being a deputy US Marshal so Petitioner demands responsive records from the USMS to the validity of this new claim that deputy Sherfy is a US Marshal and wields all the powers bestowed to a deputy US Marshal. As late as 14 October Respondent position is they are under the protective custody by Respondent BCSO which means they are active confederates of BCSO and acts as agents of BCSO comporting with BCSO policy and are subject under the umbrella clause to FOIA request. The Petitioner has a moral obligation to get people help and activate 911 when people ask for help but also a legal obligation.[**NM statutes 32A and Articles four 32 A,-4-through 32A -4- 34 section 32 a 4 - 3.**] which could cause the Petitioner to face felony charges if he did not follow the New Mexico statutory law. This outrageous behavior weakens the structural integratory of the EMS system could be fatal for a patient. This belligerence to the wellbeing of people under the care control and custody of BCSO/ Great Living should shock the conscious of any decent person and should especially shock the conscious of this Court. This behavior also reinforces the contention these homes are warehouses’ for eugenics. These homes receive funding from the federal government mainly Medicare to operate so this Court has undeniable jurisdiction. The Petitioner demands all records concerning Natacha Grass Aka Natacha Sherfy. The Petitioner reminds this Court the identity of Natacha Sherfy is a charade so HIPPA cannot be invoked.

15. If Great Living tries to make an argument that they are somehow separate than the

other Respondents namely Respondent Matt Pohl and other corporate officers'. This Court can rely on **Blair et al. V. Infineon Tech A.G No 09- 95 (SLR) 2010 WL 2608959 (D. Del June 29, 2010.)** to pierce the corporate veil so records can be inspected.

16. No one can invoke HIPPA on behalf of Natacha Grass because no one had the authority to unlawfully detain Natacha Grass in Respondents' "dungeon" or perform elective medical procedures on Natacha Grass. At the time Natacha Grass did not have a legal guardian to sign paperwork on behalf of Natacha Grass. Natacha Grass does not have the cognitive ability to comprehend what she would be signing. Respondents' are welcome to comb the system for a Natacha Sherfy but Natacha Sherfy does not have a legal existence so Natacha Sherfy has no standing in this matter. Petitioner and Deputy Sherfy's son was employed at Great Living and processed a lot of the paperwork that involved his sister. His employment remain intact until the federal authorities knocked on the front door. Great Living dismissed Petitioner's and deputy Sherfy's son from his duties and he was forced to separate from Great Living. Great Living's new position we knew nothing or we were just following directives from BCSO about fabricating an identity from thin air "Natacha Sherfy" cannot past the laugh test. This argument did not work in Nuremburg nor for Cali at Mali. Many Great Living employees were informed by many agencies that Natacha Sherfy is nonexistent. More likely than not Petitioner's and Deputy Sherfy son will be indicted by the federal grand jury. This Court has undeniable jurisdiction in this matter. An ongoing criminal enterprise defrauding **Medicare (18 U.S.C code 1347) 84 (Stat. 992 Stat 941 U.S.C)** negates any claims of privilege and enables this Court to penetrate the corporate veil and assert its jurisdiction. It would be naïve for any reasonable person to contemplate this is an isolated incident of Great Living defrauding Medicare. This rubbish has all the elements of an ongoing criminal enterprise that includes all named and some unnamed Respondent's and the civil RICO statutes allow this Court to pierce the corporate shield and assert jurisdiction **[84 stat 922-3 aka 941 U.S.C created 1961 -1968 and us code 1964]**

17. Respondent Presbyterian Hospital accepts Medicare payments for services rendered. Which asserts the jurisdiction of this Court. Presbyterian accepted Hal Burton funds **[Hal Burton Act]** which are federal funds to build Presbyterian and care for the indigent which makes this a federal issue and this Court can assert jurisdiction. It is gob smacking

that an institution that has policies in place that requires a legal/lawful guardian to be present to sign paperwork for the disabled would allow an obvious mentally disabled adult to have elective surgical procedures requiring physical and chemical restraints to be performed with no lawful guardian present and no consent from the patient. Respondent Presbyterian's affirmative defense is they thought the surgical procedures' was being done "under the color of authority," this defies logic and is incongruent with Presbyterian's own policies. Presbyterian admission's did not comport with their own policies to ensure a disabled person undergoing elective surgical procedure had a lawful guardian present vexes any reasonable person. Presbyterian by not doing their due diligence is an accessory with its partner BCSO and guilty of at least the following statutes. **[U.S.C. 42 1983, 25CFR 11 .404, chapter 1313 241, 42 CFR 460.114, 928 ART 128(b)] (2)**. This malfeasance also raises another troubling question how was HIPPA information generated for Natacha Grass under the name Natacha Sherfy, no lawful guardian was there to sign the mandated HIPPA paperwork for Natacha Grass and Natacha Grass does not have the cognitive ability to do so on her own. The Petitioner is a medical professional and will not treat a patient without consent that is in custody unless the elements of implied consent are exhibited and well defined. Natacha Grass was not in custody of any law enforcement agency. Contrary to deputy Sherfy BCSO cognitive dissonance she was not Natasha's lawful/legal guardian at the times these elective surgical procedures' were done. The Inspector General for Medicare agrees with this assessment. Presbyterian cannot invoke HIPPA to resist FOIA because no Natacha Sherfy lawfully/legally exist. Their second affirmative defense is we were acting under the perception of the color of authority. This is curious because Presbyterian admitted in another matter they are subject to this Court jurisdiction for FOIA request, because they act as a sub-contractor or working partners for respondent BCSO to treat ill inmates .BCSO renders payment to Presbyterian for services provided at a discounted rate that differs by contractual agreement that entails lower cost what the general public would pay for the same services. Furthermore Presbyterian has a contractual or memo of understanding with BCSO to care for BCSO inmates that are ill which enjoins them as one entity. BCSO has custody, control care of an inmate at their West Side and other facility's and when a patient is ill Presbyterian takes over the custody, care and control

for the inmate/patient. Presbyterian had solid legal grounding for not performing these procedures. A Ms. Alea Wubbels was arrested by Salt Lake City police because she refused to draw blood on a "ETOH" patient. The charges were nolle prosequi and Ms. Wobbles was awarded 500,000 dollars from the Salt Lake city police department with the judiciary statement one cannot engage in evasive procedures in hospitals' or clinics if the patient does not give consent. The caveat if an imminent emergency presents itself and the patient might die then the doctrine of implied consent is applicable. There was no plausible reason Respondent Presbyterian performed elective surgical procedures utilizing chemical constraints to perform those elective procedures because no imminent threat was present negating any affirmative claims of the implied consent doctrine. Respondent' basically tortured a special needs person for monetary gain violating the law (84 stat. 992-3 aka 941 U.S.C. , 18 U.S.C 1961- 1968,) Criminal activity and a ongoing criminal enterprise negates any assertion(s) of privilege. This is not Belzec and DR. Mengle does not have privileges at Presbyterian hospital. Natacha Grass has the inherent right to the records of medical procedures done to her with methods that rival Treblinka. The elective surgical procedures were done under the alias Natacha Sherfy because no lawful guardian paperwork would never be produced since it does not exist. Natacha Grass purportedly had these elective surgical procedure's done under protective custody of BCSO according to Respondent Presbyterian. Respondent Presbyterian now non responses' to inquire this Court can construe Respondent Presbyterian has implied\affirmative guilt in these matters. This Court can apply the **Salinas v. Texas** the United States Supreme Court just held on the term "plurality." Respondent Presbyterian elected to perform a "D/C" evacuating the uterus and vagina of Natacha Grass by knowingly performing this elective procedure against the will of Natacha Grass Presbyterian obstructed justice because the physical evidence of an sexual assault was knowingly destroyed by Respondent Presbyterian at the behest of BCSO who Natacha Grass under the alias Natacha Sherfy was in their own admitted "protective custody." This how the term "plurality" is relevant obstruction of justice **18 U.S.C 1505** and tampering with evidence **18 U.S. code 1519** are criminal charges that allow corporate shields to be pierced by this Court and assert its jurisdiction into all parties asserting corporate shield as a privilege.

18. It is the understanding of the Petitioner that Natasha's Grass grandfather now deceased retained legal counsel for Natacha Grass in the Commonwealth of Pennsylvania. Problems arise since the Petitioner is not the client and Natacha Grass and Richard J Grass's estate are the clients. A writ of Habeas Corpus was served on Respondent's BCSO and Respondent BSCO certified to the United States District Court for the Commonwealth of Pennsylvania for the Eastern District that BCSO had no Natacha Grass in custody. Instead of repeating the text of the writ of Habeas Corpus Petitioner has included the draft copy of a facsimile sent to Petitioner as an exhibit. Litigation also was/is primed before the Court of Common Pleas in Philadelphia officially declaring Natacha Grass by birth certificate and other material/criteria that Natacha Grass is in fact a resident of the Commonwealth of Pennsylvania. The issue arose because Respondent BCSO asserted this pseudo" protective custody clause" and denied Natacha Grass access to appear in person before the Court of Common Pleas in Philadelphia Pennsylvania. The Court of Common Pleas in Philadelphia Pennsylvania found Natacha Sherfy had no standing because after a protracted and extensive investigation no one bearing the name Natacha Sherfy on a birth certificate or a passport of these United States bearing the name Natacha Sherfy could be found. It has also been communicated to Petitioner that a contempt of court pleading is being drafted or has been filed to have the United States District Court for the Commonwealth of Pennsylvania for the Eastern District issue a bench warrant for Respondent Gonzales and have the United States Marshal's bring Respondent Gonzales before that Court for a contempt hearing for stating he did not have Natacha Grass in custody when he did under the name Natacha Sherfy and Respondent Gonzales knew the games of semantics Deputy Sherfy was playing with Natacha Grass's name. The Petitioner believes by the time the rule 16 of federal civil procedure conference the Petitioner can convince it would be in everyone's best interest to have the United States District Court for New Mexico to hear all matters. The only wild card is the United States District Court for the Commonwealth of Pennsylvania for the Eastern District. The Petitioner is not the client so the Petitioner wants to make it abundantly clear the Petitioner is just repeating what he is being told by litigators in Philadelphia. The United States District Court for the Commonwealth of Pennsylvania is apoplectic about tactical material misrepresentations that were made

before the Court concerning a writ of habeas corpus. These issue cross state lines or in this case a state line and a commonwealth line. The federal courts bed rock foundation is to settle disputes of entities or individuals in separate states so only one Court hears a case so this Court has undeniable jurisdiction with the exception on the issue writ of habeas corpus. The petitioner is actively trying to get the executor of Richard J Grass estate to allow the issue to be estopped. There is nothing productive and would be fundamentally unfair in having Respondent Gonzales brought before the Court in chains. Petitioner has also written a letter to that Court on behalf of Sheriff Gonzales stating; We all must be mindful respect and follow the law but Sheriff Gonzales is actually a victim...The Sheriff can only execute his duties with information availed to him by his employees... the Petitioner is confident the Sheriff will hold the guilty party(s) accountable. The Respondents BCSO creditability has already has been damaged beyond any rehabilitation. From this day forward BCSO will be associated as congenital manipulators of the truth.

19 Intelligence Community Comprehensive Data center located in the state of Utah, collects information wittingly or unwittingly of United States citizens when they are in CONUS [Director **Clapper before US senate intelligence committee march 2003**]. Since the volumes of meta data are declassified facsimiles', texts, verbal conversations, e mails, radio transmissions, KDT transmissions are captured and stored at this facility so they are in the purview and jurisdiction of this Court. In the Memo of Understanding between respondents' BCSO and the federal government BCSO agreed "Trail blazer" program personal could utilize BCSO for "training purposes. More likely than not the responsive information is located at the Utah facility, the facility response to the Petitioner FOIA request is," you to have a need to know to be given the information you are requesting." This statement is not a recognized assertion of a privilege recognized or promulgated by the rules of federal civil procedure but is an implied/affirmative indication of guilt the NSA facility Utah in fact retains responsive requested records. "This information is not classified since it was unwittingly captured and stored at the Utah facility"." [Director **Clapper the United States House of Representative intelligence hearing May 2015**]. Therefore, this Court has jurisdiction and should compel this entity for Petitioners responsive information.

20. Medicare is the United States fiduciary agent that dispense federal funds to facilities that provide medical services. The responsive record request is for the financial payout's made by Medicare to Great Living and Presbyterian hospital or any other unknown entities for Natacha Grass, aka Natacha Sherfy or Natacha Sherfy- Grass or any other incantations' the Respondents' fabricated an identity for Natacha Grass with the intent to defraud Medicare. This court has undeniable jurisdiction in this matter.

STATUTORY FRAMEWORK

1. The conceived purpose of FOIA is to ensure open government and to provide every person with the right to request and receive federal agency records generated by a federal agency or records the federal government is the acting custodian for documents and provides local governments funding to generate documents on behalf of the federal government. **5 U.S.C. (a) (3) (A).**
2. In furtherance of FOIA purpose, FOIA itself imposes strict deadlines to provide responsive documents to a FOIA request. **ID \$552 (a) (6) (a).** An agency must comply with a FOIA within 20 business days after receipt of request [first request 17 June 2019] **ID \$552(a) (6) (A) (I).**
3. The determination must "at least inform the requester of the scope of the documents that the agency will produce, as well as the documents the agency plans to withhold under any FOIA exceptions." **Citizens for Responsibility and Ethics in Wash v. Fed Election Commission, 711 F 3d 180,186 (D.C.) Cir 2013).**
4. An agency's failure to comply with any time requirements is deemed as constructive denial and satisfies the requester's requirements to exhaust administrative remedies. **Id.4 552(A) (4) (B).**
5. All respondents are interconnected due to formal and non-formal contractual agreements. They also all receive federal funding making them agents and or confederates for the federal government. The Respondents that claim they are exempt from FOIA error because they we not in compliance with federal mandates and policies. Filing fraudulent claims for fictitious people that do not legally exist is Medicare fraud **18 U.S.C 1347.** No reasonable person would contemplate this is a isolated issue but it is an ongoing criminal enterprise. **[84 stat 922 - 3 stat. 941 118 U.S.C. 1961-1968.]** This

statute allows civil RICO complaints to be brought to bear and subjects corporations to FOIA because of the incestual and symbiotic relationship that a corporation has with the federal government. It would vex any reasonable person how a continuous criminal enterprise could remain engaged in unlawful/illegal partnership and somehow have the corporate shield remain intact.

FACTS

1. There is an ever evolving story line from BCSO as to why they were summoned to the Petitioner's Niagara address. The first assertion of BCSO is that Petitioner was attempting suicide. This story line divorces itself from reality when the Petitioner sent a certified copy to the BCSO sheriff stating: if the Petitioner had suicidal ideation or was in the act of a suicide attempt state law requires the Respondents' would have to ensure the Petitioner be transported to a medical facility to be evaluated by a clinician if in fact the Petitioner or anyone is having suicidal ideations as a matter of law. BCSO course of action that day was to leave Petitioner residence without making contact with the Petitioner. The Court should be made aware the Petitioner practiced at the street level as a paramedic for years and still holds advanced critical care certifications for paramedics. BCSO leaving an alleged suicidal person alone defies not only the laugh test but the Albuquerque metro standards of emergency care, state law and BCSO's own policies and procedures. 72 hours after the purported call for help a BCSO detective arrived at the Petitioner's residence for a welfare check. The detective that responded discovered the patient was more likely than not unresponsive for three days and a wrong dose of an anti-seizure medication was prescribed to the Petitioner. New information gleaned from internal memos of BCSO is they [BCSO] did not know the whereabouts of Natacha Grass and this suicide is just a canard to see if Natacha Grass was with Petitioner. This exact scenario has played out numerous times before concerning Natacha Grass.
2. Emergency Medical Service [EMS] reports on subsequent calls to Petitioner Niagara residence state the Petitioner is not a threat to himself or others but has significant health care issues being addressed by many physicians.
3. Petitioner made demands pursuant to New Mexico statutes governing open documents and under FOIA since NCIC is a federal system. The request is simple: what was the ID

number as to who put the “suicide by cop” notation in the CAD and NCIC? Why did they do this because BCSO knows there is no fact set that would justify putting the “suicide by cop” notation into the CAD and NCIC? The last response to the Petitioner’s question from BCSO is” because we can and there is nothing you can do about it.” This is a curious statement because this violates National Crime Information Center policy as to why and when the NCIC can be accessed and information imputed into the system. A very nice and sincere detective did call Petitioner and stated the “reason why suicide by cop was tagged on Petitioner’s address is for the following reason.” That when the Respondent responded to Petitioner’s residence 72 hours later, the Petitioner made “statements” he could utilize his specialized training to disarm the Sheriff’s and one of BCSO sheriff’s deputy recognized Petitioner as an instructor from the Unites States DOE Central Training Academy.[Which Petitioner is not at this time.] Actually the detective statement is 80 percent accurate but not in context. The Petitioner admits he has specialized training and was at one point an instructor in martial arts techniques [Krav Maga] and instructed students. The training sessions to disarm belligerents occurred at undisclosed government facilities. The purpose of the instruction is to teach special agents to disarm anyone whom poses a threat to the safeguards of WMD material and/or special weapons. At no point in time did Petitioner try to resist arrest or what he perceived what would be an unlawful arrest under **John Bad Elk V. US 177 U.S. 529** because BCSO has done this on more than one occasion in the past[Ulrich incident]. The Petitioner was never taken into custody by the BCSO. Petitioner followed all the orders and commands of the Sheriff’s deputies. BCSO has constantly presented themselves to Petitioner’s residence with impressive credentials. Deputy Sergeant Renee Ulrich a paramour of Deputy Sherfy to name one Ulrich since been terminated from BCSO. When those “credentials” stood the scrutiny of judicial review they were found by the courts to be bogus with the pseudo arrest warrants also being bogus that bearded the Respondent’s name Bernalillo County Sheriff’s Office. The Petitioner has already stated it was a BCSO detective that gleaned from the provided information that Petitioner was given the wrong anti-seizure medication and wrong dose. The Petitioner made it very clear to all parties he could not visualize them and after protracted questioning by BCSO detective Petitioner described what he could see was, “what old television looked like when they were

between broadcast channels just snow with figures.” The very nice BCSO detective made some curious remarks; first the “tagget” will never come off Petitioner’s residence. The bed rock of our Republic is due process so BCSO has to have a policy to remove “taggets” of this nature. What about if a dispatcher put a “tagget” on the wrong address does that stay there for life”? Second statement, if we don’t make contact with a suicidal patient,” we just leave because we might get sued.” This is incongruent with the experiences of the Petitioner who still works PRN as a field paramedic. Petitioner recently went into a residence with law enforcement to look for a suicidal patient and indeed found a patient who was not suicidal but having an emergency medical event. BCSO has no administrative control over the federal NCIC system so how that statement comports with federal NCIC policy is unbeknownst.

3. Suicide by cop is a medical psychological/psychiatric clinical determination. If Respondents never made contact with Petitioner how was that determination made? What was/is the educational level or medical licensure of a clinician that would have to rely on psychic abilities or an Ouija board to make a determination that Petitioner was inclined to suicide by cop tendencies since BCSO never made contact with Petitioner on the dates and times in question? On subsequent calls EMS states patient is not a danger to himself or anybody else. The incongruence’s in BCSO’s ever evolving story is gob smacking, evidence based medicine is the standard of care, not psychic abilities. The only other plausible explanations is Respondent BCSO and the county of Bernalillo are admitting to patient abandonment, malpractice, or malice of forethought that could have led to the death of the Petitioner by a respondent’s [BCSO] deputy. This was another canard because BCSO did not know the location of Natacha Grass since after all she purportedly is in their “protective custody.”

CLAIMS FOR RELIEF

Violation of the Freedom of information act 5 U.S.C. for failure to conduct an adequate search or and search what so ever for Responsive Records.

1. The Respondents’ are obligated under **5 U.S.C. 552 (a) (3) (c)** to conduct a reasonable search for records to the Plaintiff’s request.

2. The Petitioner has a right to obtain such records, and no legal basis exist for the Respondents' failure to search for them.
3. The Respondents' failure to conduct a reasonable or cursory search for records responsive to Petitioner's request violates at a minimum, **5 U.S.C § 552 (a) (3) (c)** and the regulations promulgated there under.

SECOND CAUSE OF ACTION

Violation of the Freedom of Information Act, 5 U.S.C. § 552 for failure to disclose Responsive Records.

1. The Petitioner repeats allege and completely incorporate, as set forth within each and every allegation contained above.
2. The Respondents are obligated under **5 U.S.C § 552(a) (3)** to promptly produce records responsive to the Petitioner's FOIA request and supplements. The Petitioner has a legal right to obtain such records and no legal basis exist for the Respondents' not to disclose them.
3. The Defendants failure to disclose all responsive records violates, at a minimum **5 U.S.C. § 552 (a) (3) (A)**, as well the regulation promulgated there under.

THIRD CAUSE OF ACTION

Violation of the Freedom of Information Act, § U.S.C. 552 for to Respond within Time required.

1. The Plaintiff's repeat allege and incorporate, as set forth herein each and every allegation contained above.
2. The Defendants are obligated under **5 § U.S.C (a) (6) (A) (I)** to promptly produce records to the Plaintiff. The Plaintiff has a legal right to obtain such records, and no legal basis exist for the Defendants failure to disclose responsive records.
3. The Defendants failure to disclose all the responsive records violates at a minimum **5 U.S.C § 552** as well the regulation promulgated there under.

PRAYER FOR RELIEF

Wherefore, the Petitioner respectfully pray for judgment against the Respondents' as follows:

1. The Defendant, BCSO, can adhere to the law with a 15 minute phone call. Divulge who the NCIC operator is who put Petitioners house on an alert for suicide by cop, why that person took this action, and to take Petitioner's residence off suicide by cop status. BCSO should also be aware that if Petitioner's pursues vigorous litigation with FOIA through "Stingray" and DOH records, not only embarrassing information but probable unlawful behavior obscuring Brady material that originated from the BCSO North Valley substation and other commands, the communication center and publicly paid for vehicles KDT's utilizing federal grants. Signals intelligence from private cell phones that does comport with the SOP'S of BCSO routed through their communication center is not being recorded, and that this information will percolate to the general public. If the Respondent BCSO does not comply, an order for all Respondents'' to expeditiously conduct an adequate search for all records responsive to the Petitioners FOIA in accordance with **5 U.S.C. § 552 (a)(3)(c)** will be requested.
2. It would behoove the Respondent USMS to remind the Respondent BCSO its contractual obligation and the memo of understanding that dictates their access to NCIC. If BCSO or any other discovered Respondent's does not comply with FOIA an order should be entered declaring Respondent's USMS violated **FOIA § 552 (a)(3)(A)** and be ordered to search their records for the electronic intelligence intercepts "Stingray" captured and disclose the responsive records the Petitioner seeks. To protect the identity of the phone numbers intercepted by "Stingray" it is acceptable for the last three integers of all phone numbers be redacted. At the very least if USMS are claiming a privilege it should be declared in plain English.
3. It would behoove Respondent DOH to remind BCSO of the contractual and memo of understanding that allows BCSO access to NCIC and in having access to the intelligence BCSO "Ghost Squad" that enables BCSO act as defacto federal authorities. Some this technology is sensitive but open sourced technology and enables BCSO to identify and track human traffickers across state lines if necessary. The technology was actually developed designed for Las Vegas NV casinos but the federal government enhanced its

capabilities. If BCSO still remains defiant of the FOIA insofar as identifying the identity of the NCIC operator that put suicide by cop warnings on Petitioners Niagara residence, or make a plausible articulation why this was done and remove such warning. This Court should rule BCSO is in non-compliance as a matter of law. BCSO must be painfully made aware if the Petitioner is required to litigate for signals intelligence[Signet] or electronic intelligence [Elint] captured and then stored by DOH that includes text , emails, facsimiles that not only embarrassing but probable unlawful behavior will percolate until it reaches the general public. This Court should declare DOH non complaint with Petitioner FOIA responsive records request which violates **5. U.S.C. (a) (3) (c) and 5 U.S.C § 552 (6) (A) (I)** and order for a search for the records petitioner seeks and to disclose the records to the Petitioner. At the very least it should be ordered what kind of privilege DOH is asserting with “we do not confirm nor deny the capabilities and functions of the DOH fusion centers.” This is not a recognized privilege in the federal rules of civil procedure.

4. This Court should be aware there has been 22 years of discourse between BCSO deputy Sherfy one of BCSO deputies. The Petitioner is gruelingly aware Respondent BCSO will try to re-litigate years old issues that are groundless for these FOIA’s request. There are heroes at Respondent’s BCSO Internal Affairs, Sergeant Roybal who found Petitioners daughter. There has been extemporary lapses of judgment on Petitioner’s mentation when he said something or wrote something in support of Sergeant Roybal that probably was not productive. Every person lives by an ethos and “thank you” just does not reach the bar for someone who found Petitioner’s daughter and was instrumental in relocating Natacha within 24 hours so she would not be subjected to additional sexual assaults. Petitioner had to call and write an apology to the detective and deputies who literally saved his life after Petitioner was given a high dose of anti-seizure medication. In the past, due to one deputy’s confederates that presented themselves at Petitioner’s residence with impressive credentials, which later were determined to be bogus, the Petitioner did not believe whom they claimed they represented at the time. 72 hours is a long time to respond to a 911 call. Now that the character assignation issues are negated, the Petitioner pursuant to the above cited statutes, is entitled to responsive records as a matter of law.

5. The Petitioner is befuddled it has to go to these great lengths to get the responsive records that BCSO usually releases as a matter of fact routinely. The Petitioner has already made clear he has no interest in entering into litigation against BCSO for them leaving Petitioner unresponsive for up to 72 hours. If the Petitioner entered into litigation for being left unresponsive for up to 72 hours the integrity of the 911 system would come into question and that is the very last thing the Petitioner wants to happen. In fact the Petitioner communicated to the Respondent Sheriff Gonzales that the Respondent believes in the educational paradigm rather than a punitive paradigm. The last questions the Petitioner asks BCSO deputies is "have I been respectful polite and courteous and cooperative." BCSO deputies have never said Petitioner was belligerent or disrespectful to BCSO. In fact if Petitioner thought anything he said could be negatively construed he would stop mid-sentence and qualify his remarks to make sure Petitioner was being interpreted as polite and courteous. There is no plausible explanation or excuse as to why the respondent BCSO will not release responsive records. There is no plausible excuse why the other Respondents' should not release Petitioner's responsive record request as a matter of law. This contempt of the law by the respondents' makes any reasonable person draw the conclusion they are trying to hide something from percolating and becoming public or they are obstructing justice to limit their own criminal exposures and liabilities. Therefore, this Court should grant statutory relief and the Court grant other relief it may seem reasonable, just, equitable, and appropriate.

Respectfully Submitted,

James Grass Pro Se [at this snapshot in time] Bar member appearances will file their own appearances with this Court.

 10/18/2019

523 Niagara NE

Albuquerque New Mexico 87113

I James Grass certify the following parties have been served notice in accordance with

the rules of civil Federal Procedure.

Unites States Marshal Service
333 Lomas Blvd NW
Albuquerque New Mexico 87102

Department of Homeland Security
1720 Randolph Road SE
Albuquerque New Mexico 87106

Bernalillo County Sheriff's Office
Sheriff Manny Gonzales BCSO
400 Roma N.W.
Albuquerque New Mexico 87102

Bernalillo County Legal
520 Lomas Blvd #4
Albuquerque New Mexico 87102

National Security Agency
Intelligence Initiative Data Center
9800 Savage RD # 6623

Alternative address NSA Fort Meade
Camp Williams Bluff dale Utah
Fort Meade MD 20755

Presbyterian Hospital Legal
Including corporate officer's
9521 San Mateo NE
Albuquerque NM 87112

Matt Pool and Great Living
2901 Juan Tabo STE 208
Albuquerque NM 87113